

(Associated Press)

NEW YORK, July 21—Cotton futures opened steady. July 23:58; October 23:90; December 24:01; January 23:43; March unquoted; May 24:00.

## ALBANY-DECATUR DAILY

DEVOTED TO THE INTERESTS AND UPBUILDING OF ALBANY-DECATUR, ALABAMA

VOLUME XIII

ALBANY, ALABAMA, TUESDAY, JULY 21, 1925

NUMBER 120

(Associated Press)

WASHINGTON, July 21—Alabama: Fair in south, showers in central and north portions tonight, Wednesday showers.

LAWYERS ARGUE DAVIS' FATE  
SCOPES CONVICTED AND ASSESSED \$100 FINEPLANS APPEAL  
OF VERDICT TO  
HIGHER COURT

*Attorneys Waive Arguments And Case Is Brought To Unexpectedly Early End; Jury Out Only Nine Minutes*

(Associated Press)  
COURTROOM, Dayton, Tenn., July 21—John Thomas Scopes was convicted in Rhea county circuit court at 11:29 o'clock this morning of violating the Tennessee law, prohibiting the teaching of evolution theories in the public schools.

He was fined \$100, the minimum fine under the statute. Notice of intention to appeal to the Tennessee supreme court was filed and 30 days was given in which to perfect the appeal, with assurance from the court that if additional time should be found necessary an extension would be granted.

The case was given to the jury at 11:20 o'clock, a verdict being returned in nine minutes, after counsel had agreed to waive arguments. A short statement was made to the jury by Clarence Darrow, of defense counsel, in which he said "I don't see how you can find our client not guilty."

He had explained that the evidence upon which the defense had hoped to bring about the acquittal of Scopes had been excluded by the court and it was the wish of the defense that a verdict of guilty be returned, to permit an appeal to the supreme court.

Summoned before the bar Scopes insisted he had been convicted of violating an unjust law.

"I will continue to oppose the law in every way in my power," he said. "I consider it unjust and unconstitutional."

Scopes was to appear in court during the afternoon to file a bond of \$500, pending disposition of the appeal.

The appeal from the circuit court finding will be made to the Tennessee supreme court meeting in Knoxville in September. The formal motion for arrest of judgment was made and application for a new trial was made and overruled.

The assembly of the transcript for use in the appeal will be the next task for the defense, the attorneys said.

After Judge Raulston had expunged the testimony of William Jennings Bryan for the record of yesterday's afternoon session, an agreement was reached quickly to bring the case to a close.

After the verdict the jury stood and posed for photographs as defense lawyers made final arrangements for their appeal. Judge Raulston asked if there were any matters to be attended to. The only business was the taking of photographs.

"Anyone have anything to say," said Judge Raulston. There was no response.

Later the meeting was thrown open for general discussion and a half dozen informal speeches were made, thanking the people of Dayton for their hospitality.

J. Gordon McKenzie told the visiting attorneys the people of Tennessee appreciated their coming.

William J. Bryan added a word about Dayton. He said that Dayton was center of the case largely by circumstance. He recalled the great publicity attending the case.

"This case has stirred the world," he said, "because it goes deep and wide. There has been fought out a little case, of little consequence as a case but one in which a great issue is involved."

"Some day it will be settled. There can be no settlement without discussion."

forever. We who have been associated with this case have attached ourselves to a mighty issue."

Clarence Darrow followed Bryan. He told of the appreciation at what he described as friendly treatment by counsel on the other side and by the people of Dayton.

"Here we have done our best to force back the tide that has attempted to turn back the modern trend of scientific thought."

The final address of the informal session was made by Judge Raulston who declared that "it sometimes takes courage to stand for a sentiment which stands in contravention to public opinion about him. A man who is big enough to stand up for a principle is big indeed."

The Judge paid tribute to the small town saying many great men have come from villages.

"Two things in this world are indestructible," he said. "One is the truth and the other the word of God, given down to man, that man may use it."

"This little talk comes from my heart," he said. "I have been glad to have these gentlemen with me."

"If I have made some mistakes a higher court will find it so."

Arthur C. Hays of the defense counsel asked the court to permit him to send him an autographed copy of Darwin's origin of the specie and descent of man.

After a benediction by the Rev. C. R. Jones, the court adjourned sine die a few minutes after noon.

An effort to distinguish between science and the Bible and to conform the two was the theme of a statement by attorneys for the defense of John Thomas Scopes, admitted to the record of case.

The statement was prefaced with the declaration that, although the defense, as lawyers "take no position on the truth of the stories of the Bible, we wish to state that we should be able to prove from learned Biblical scholars that the Bible is both a literal and figurative document, that God speaks by parables, allegories, sometimes literally and sometimes spiritually."

We should be able to prove that the entire Bible teaches the fact of the fundamental difference between the soul and the body."

Numerous citations followed, which, the statement said showed "the Bible attitude on the question of the nature of the soul."

"Typical examples of the teaching of the Bible in reference to the body or flesh are given in the following:

"My substance was not hid from thee, when I was made in secret, and curiously wrought in the lowest parts of the earth. Thine eyes did see my substance yet being unperfected, and in Thy book all my members were written, when in continuance were fashioned, when as yet there was none of them." (Psalm 139, 16.)

"Here there is a distinct statement that the human body was created by the process of evolution."

The entire Bible teaches that God is a spirit and the father of spirits, and not the father of flesh, they said, indicating different sections of the Bible.

"Therefore," the statement continued, "it is man's soul or spirit, and not his body, that is the son of God and which consequently is in the image of God."

"That the Bible is concerned with the ethical and spiritual side of life, and not the physical side, is evident from the following passages:

(Continued on page three)

FEUD IS RENEWED  
AS BOWMAN HITS  
TWO GODSEY MEN

Bowman Declares That His Marksmanship Was Poor

ATTY. GENERAL IS NEARLY SHOT

Rivals Tell Different Stories About Occurrence

(Associated Press)  
CHATTANOOGA, Tenn., July 21.—Sam Godsey, Sequatchie county deputy, an alleged feud leader, used Attorney General Chamlee as a shield while under fire of Lawrence Bowman, during a gun battle near police headquarters last night, in which Godsey and his brother Benton Godsey, were both shot in the leg.

Sam Godsey at the hospital this morning stated that Bowman had started the battle while Godsey was upbraiding Chamlee for not indicting Bowman for carrying a pistol in another case. A bullet went through Chamlee's hat.

Bowman's story does not conform to that of the Godseys.

He stated that Sam Godsey was cursing him to Attorney General Chamlee and that he got a glance from Godsey and went for his gun. Bowman then started a fusillade with a heavy revolver, downing Benton Godsey with the first shot and later putting a bullet through the upper left leg of Sam Godsey. Bowman explained his bad marksmanship while stating he was afraid he would shoot Attorney Chamlee as Sam Godsey kept getting behind him. He also stated that some person kept shooting at him from behind.

Several of the Godsey clansmen appeared as soon as the shooting started.

The gun battle was renewal of a mountain feud of long standing.

Bowman was kidnapped several weeks ago and tied to trees on Signal Mountain for ten days. He is said to have held the Godsey's responsible for his kidnapping.

BELIEVES BANKS ARE  
BACKING RUM RING

John Doe Inquiry Is Being Carried Forward

(Associated Press)  
NEW YORK, July 21.—Efforts to learn whether banks have financed the gigantic operations of bootleggers who shipped liquor in trunks from New York inland are being made by Federal Attorney Buckner at a John Doe inquiry of the grand jury.

"We particularly want to learn how business of this magnitude is financed and if any banks were interested in the operations," said Mr. Buckner.

In the first day's entry the grand jury heard testimony of William Gilbert of Nebraska, who for months had been following the trail which led to the arrest of Jacob Kirek, alleged leader in a ring that sent salesmen all over the country and which did business with persons in 29 states.

The ring had 20,000 customers. Trunks were shipped containing liquor and when the customer remitted payment keys were sent for opening them.

TAKES OWN LIFE

(Associated Press)  
NEW YORK, July 21.—Oscar G. Haven, president of the Metropolitan Opera and Real Estate company, committed suicide today at his home in East 53rd street by shooting himself.

FORD'S BID FOR  
SCRAP SHIPS LIKELY  
WILL BE ACCEPTED

A Baltimore Company Withdraws From The Bidding

MANUFACTURER TO USE METAL

About 200 Vessels Are Included In The Program

(Associated Press)  
WASHINGTON, July 21.—Acceptance of Henry Ford's bid of \$1,706,000 for the 200 shipping board vessels set aside for scrapping as recommended to the shipping board by President Palmer was recommended today.

Indications are that the board will approve the recommendation. General counsel has held the procedure to be legal, although the Boston Iron and Metal company of Baltimore protested that it was irregular.

The Baltimore company was the highest bidder when the original tenders were opened June 30, its offer being \$1,370,000 but this bid was rejected after President Palmer had urged acceptance and new offers were called for to be opened July 16. The Baltimore company then withdrew its offer claiming that only the original bidders should be permitted to submit new offers. Henry Ford was not among the original bidders.

It is the intention of Mr. Ford to scrap most of the 200 ships but he will retain some for conversion for Diesel engine propulsion in salt water transportation. He will also use some of the engines in his own manufacturing operations.

With the return of commissioner Thompson today from Europe where he attended the Brussels commerce conference gave the board a quorum of four commissioner in the city so that it could proceed with the bids.

PEACEMAKER DIES  
OF PISTOL WOUNDS

Birmingham Man Tries To Settle Dispute And Is Killed

(Associated Press)

BIRMINGHAM, Ala., July 21.—H. J. Morgan, 619 S. 23rd street, who was shot while attempting to separate Clarence Clark, of Oak Grove, and Miss Ethel Vaughn next door neighbor of Morgan, who were quarrelling late yesterday, died this morning from effects of three bullet wounds inflicted by Clark, who escaped.

Clark and Miss Vaughn were quarrelling in front of the latter's house. Morgan, according to police accounts, hastened to the scene and attempted to end the difficulty. The two men exchanged several blows but later Clark ran to his car and obtained a pistol, it is said, and fired three times at Clark. The latter fell to the ground mortally wounded.

Maxwell Field Is Damaged By Fire

(Associated Press)

MONTGOMERY, Ala., July 21.—Fire damage to the extent of \$9,000 was caused at Maxwell field here this morning where an aerial supply shed was partially destroyed by flames.

Officers have not determined the cause of the fire but state it was probably due to defective wiring.

DUNCAN TO SPEAK  
TO KIWANIS CLUB  
ON NEXT THURSDAY

The Club Is Observing National Farm Bureau Week

DAVIS ALSO TO BE GUEST

Probable That Others Will Be Asked To Attend

Dr. L. N. Duncan, director of the extension service at Auburn and P. O. Davis, who is also connected in the farm extension work of that school, will be guests of the Morgan Kiwanis club at the regular Thursday meeting, according to announcement from Clyde Hendrix of the committee, which has been appointed for the arrangement of a suitable program for "Farm Bureau Week." Dr. Duncan will address the club membership on the vast work that has been done by the bureau over the state.

In a letter to Charles W. Mathews, president of the local club, Mr. Hendrix announced today that the committee had obtained this able speaker. It is understood that other plans for the meeting were being worked out for the occasion.

The following letter was sent today to Mr. Mathews, Mr. Rankin, secretary and to the publicity committee of the club:

July 20, 1925.  
Mr. Charles W. Mathews, President Morgan Kiwanis Club, Albany, Alabama.  
Dear Big Chief:

I have just this morning received a letter advising that Dr. L. N. Duncan, director of the extension service of Auburn, Alabama, will be with us on the occasion of our meeting next Thursday night, and will speak on the subject of the Farm Bureau and its work which is in keeping with the suggestion made at our meeting last Thursday. Mr. P. O. Davis will also be a guest of the club, he being associated with Dr. Duncan at Auburn.

I am sending a carbon copy of this letter to secretary Rankin in order that he may give due notice to the members in the "Log Roller" this week. I am also sending a further carbon copy of this letter to the publicity committee.

Yours very truly,  
CLYDE HENDRIX.

It is thought that a number of guests from over the county will be invited to hear the address of Dr. Duncan and to participate in the discussion of plans for the co-operation between the cities and the rural sections.

Auto Association  
Finishes Session

(Associated Press)  
TUSCALOOSA, Ala., July 21.—The delegates to the mid-summer meeting of the Alabama Automotive Trades Association, today enjoyed a trip up the Warrior river to Lock 17 on the steamer Baldwin.

The business sessions were completed late yesterday afternoon.

Dempsey Will Act As Own Manager

(Associated Press)

OMAHA, July 21.—I'm going to manage my own affairs after 1926, Jack Dempsey, heavyweight boxing champion told Omaha newspaper men here this morning enroute to the Pacific coast.

"I am going to settle all my real estate affairs with Jack Kearns and when his contract expires in September 1926, I am going to strike out alone."

STATE STRIKES  
ALL BUT ONE OF  
COUNTS IN BILL

*Defense Refused Permission To File Plea In Abatement And Motion To Quash Indictment Again Overruled.*

The trial of A. L. Davis, charged with the murder of Robert Howell, of Hartselle, which has attracted wide interest throughout the county and which has packed the Morgan County courthouse for two days, probably will be in the hands of the jury late this afternoon.

Arguments of attorneys began at 10:55 this morning, following the conclusion of testimony and the overruling in quick succession, by the court of defense motions to quash the indictment, defense demurrer to the indictments and refusal of the court to permit a plea in abatement.

The action of the defense followed a motion by Solicitor Almon, on behalf of the state, to not pro several counts of the indictment leaving only that portion of the indictment identified as count three, charging Davis with having unlawfully killed Howell by shooting him with a pistol.

The courtroom again was crowded throughout the day, many standing on seats and widow sills in the rear of the room, as Attorney W. W. Callahan opened the argument for the state.

Judge Horton asked if there was objection to a time limit being placed on the arguments and hearing none, he allotted one hour and a half to each side.

Frank C. Brown, local undertaker who took charge of the body and prepared it for burial prior to shipment of the remains to Hartselle was the first witness called by the state. Mr. Brown referred to a record which he declared had been made at the time of the examination of the body when asked how many wounds there were on the body. His answer was that there were six. The witness then told of the location of the wounds giving the testimony as to the exact location twice as the defense asked each time for the witness to repeat his testimony. The defense objected to the witness showing the location of the wounds, as they appeared on the body, to the jury.

"How long have you been in the undertaking business," the state asked. "About 34 years," the witness answered.

"How many bodies have you examined upon which such wounds have appeared," the state continued. The defense objected as the state was attempting to show that the undertaker was capable of knowing the course of a bullet whether it entered or left the body by the nature of the wound. The objection was overruled.

"A great many; I do not know how many," was the reply. The witness then told the difference in a wound that is made where the bullet enters the body and where it goes out. He was asked how many entered the front and how many in the back.

"Three entered the back," he said. "One in the front, I am positive."

He declared that the man known as Robert "Jeff" Howell was dead.

On cross examination the defense asked the witness, "You wouldn't tell this jury whether a bullet went in or came out of the body, would you?"

The witness answered, "I think I could."

"You examined the body and found at least five shots and only one went through."

"I said positively that 4 had entered the body and of five I was not positive," the witness replied.

"You could not tell how close the pistol was at the time the shots were fired."

"No."

"You could not tell whether the shots went straight into the body or not?" "I did not wish to convey that thought," replied the witness with reference to former testimony in which he had stated that some wounds were direct.

Gilbert Turney, one of the occupants of the death car was the next state witness.

To a volley of prosecution questions the witness testified that he knew Howell and that he was in Albany with him on the night of the killing. He said that they came to Albany about 5 o'clock and that the killing took place about 8:20 near Clements Drug store on Sunday, June 14. He declared that he had not seen the defendant when the car was parked in front of the drug store. He said that Dr. Johnson was on the back seat of the car while he and Howell occupied the front seat. Howell was driving, the witness declared. He stated that the right front wheel of the car was parked against the curb at an angle of 70 degrees approximately. He declared that Davis, the defendant was on the street about 25 or 30 feet away when he first saw him. He said that he did not know if Davis was talking to three boys at the time that they parked.

"Did Howell say anything to Davis?" Solicitor Almon asked.

"Howell asked Davis to come out," Turney replied. He said that Davis came out to the car and got on the right side of the car.

"Then what did Howell say?" the state asked.

"Jeff asked him to get into the car and Davis replied if he got into the car that he would hurt him (Jeff)," the witness answered.

Turney stated that he asked Davis to go and that Davis walked 20 or 25 feet away. He testified that Howell cursed Davis and that Davis said "Jeff I guess I have been in Hartselle long enough." The witness declared that Davis walked back toward the car, within 10 or 12 feet, no closer and that he was on the same side that he (Turney) was. He said that Howell's left hand was resting on the steering wheel while his right was on the upholstery back of Turney. He said he did not see Howell after the first shot declaring that he got out of the car after the first shot. Turney said he could not tell where Davis took the gun from. The weapon was introduced by the state and the witness demonstrated the method in which the gun was fired by holding it up before the jury and clapping the gun in both hands. Turney said he went back to the car after the shooting and Howell was just gasping. He testified that when Davis turned back toward the car with the gun in his hand that he said to Howell, "Well Jeff, I guess I have been in Hartselle long enough."

The witness said the shooting then started. He told the state that Howell had said nothing nor done nothing immediately before the shooting started.

The defense cross examined the witness:

"How old are you?" "Twenty-nine."

"You and Howell were buddies weren't you, you were together quite a bit."

"I do not know what you mean by 'buddies,' we were friends, we were together occasionally."

"Where had you been all evening since coming to Decatur?" "Riding."

(Continued on page two)

# The Albany-Decatur Daily

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B. C. SHELTON Managing Editor  
BENJAMIN BLOODWORTH Editor  
R. T. SHEPPARD Business Manager

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## 12 Years Ago From The Daily of TODAY

July 21, 1913  
The stock of the M. E. Cox Grocery company on Sixth street S., was destroyed by fire last night.

The Louisville and Nashville railroad has acquired about eight acres of land near its original shop holdings, indicating the road is preparing to take care of greater traffic here.

While repairing a wire netting this morning, Donald Beauchamp, had a narrow escape when a flying wire hurt his eye-lid, narrowly missing seriously impairing his sight.

Major J. M. Dedman, City Attorney Bertram Dedman, Fire Chief Eugene Ritter, City Engineer Connor Akin, W. O. Cherry and Porter Erwin, of Columbia, were here yesterday to inspect the Decatur fire department and particularly the new fire truck.

Contractor L. J. Kelley is smoothing some of the rough places in the Second avenue pavement.

Neal Johnson, Joseph Woods and Curtis Gover spent yesterday in Trinity.

If every citizen of a community would tithe by giving one-tenth of his talents to public welfare, what a glorious community that would be.

The Southern railway realizes the splendid possibilities of North Alabama. Otherwise the Southern would not be spending immense sums in improving its equipment in this section.

While Florida is building good roads and hotels, Alabama is building hotels and new industries. In ten years time which will be in the better condition? Both will have good roads, Florida will be depending on paying guests, Alabama will be depending on gigantic payrolls. Florida just now is a realtor's paradise, but every man is not a successful real estate agent. Every man, however, can work if he is so minded.

### WOMEN BEST DRIVERS

Those who have ordinary powers of observation will agree with the scientists and psychologists who have determined after a series of tests that women automobile drivers are just as competent, if not more competent, than men.

Women certainly figure in fewer serious accidents, and it is a fact that most of their driving is in crowded city streets. The scientists declare that by tests women have been found to react to danger quicker than men and are more prompt in taking steps to avert it, such as applying brakes.

"We often hear men say, 'I always give a woman plenty of room; you can never tell what she is going to do.' That is a foolish remark, however, for women motorists are far more careful than men. They do not take chances, nor are they indifferent to the safety of others. The records of any city or county in the nation will show that this is true."—Gadsden Times.

### JUDGE KYLE WOULD REFLECT CREDIT UPON ALABAMA AS MEMBER OF SENATE

It is gratifying to the many friends of Judge Kyle to hear the many kind expressions which greeted the public announcement of the fact that he was being urged to enter the race for the United States Senate as a successor to Senator Oscar W. Underwood.

Judge Kyle has served the people of the eighth judicial circuit for many years on the bench and he holds a warm place in the affection of the people of this district. A beloved citizen of Albany, now departed, once gave expression to an opinion of Judge Kyle's official services which is general among all peoples of his district, when he said: "If I had a case in court and I wanted nothing whatever but justice, I would as soon have Judge Kyle try the proceeding as any man in the United States."

Such is the reputation he has builded in the counties in which he serves.

It is doubtful whether or not Judge Kyle would feel that he could spare the time which would be necessary for a campaign for the United States senate. It is doubtful that he would forsake the judicial atmosphere of the courtroom to plunge into the heated campaign which is expected to precede the next senatorial election, but if he decides to do so, and is entrusted by the people of Alabama with the office, the latter may well rest assured, that Judge O. Kyle, of the eighth judicial circuit, will reflect credit upon them as one of their two representatives in the upper house at Washington.

### IMPORTANT THAT EVERY CITIZEN LINE UP BEHIND CHAMBER OF COMMERCE

The Daily Monday carried a call from Clyde Hendrix, president of the Albany-Decatur chamber of commerce for a special meeting Tuesday evening, at which time

hope was expressed a compact working organization would be perfected.

Albany and Decatur for too long a time has been content to permit civic movements to rest upon the shoulders of a few loyal citizens. It is time that condition was remedied. It is long past time, in fact, that every citizen get behind their community undertakings and work for the upbuilding of the Twin Cities.

At present, The Daily understands, there are several industrial plants which can be brought here with comparatively little effort on our part. Some of these companies, we understand, already have investigated the possibilities of the local field and found these cities offering splendid locations for industrial plants. If our citizenship, through its chamber of commerce, exerts the necessary pressure, there is no reason why these plants should not come here. If our citizens give concrete evidence of their ability and their willingness to support a live chamber of commerce with brains, money and work, there is no reason why scores of other companies should not be interested in our possibilities.

There must be some organization to handle the details of the negotiations with various industrial plants, when these people seek to get in touch with us. What is the answer? Simply, a chamber of commerce. No chamber of commerce can, itself, go out and grab big industrial payrolls for a community. But a live chamber of commerce does provide a medium, by means of which a live community can make known to possible investors and to the world at large, that the community is a good one, that it is progressive, that it has certain natural and artificial advantages, and that it welcomes location of new industries.

Is there anyone of our people, who does not believe sincerely that Albany and Decatur need an organization which can do these things in our behalf?

### TENNESSEE SCHOOL INSPIRATION FOR STUDENTS WHOSE WAY IS MADE EASY

Up in the Cumberland plateau, in the mountains of Tennessee, there is located a school which should furnish inspiration for those young men and women who soon will be leaving their homes to continue their studies at colleges, where the way to an education has been made easy for them, through the fortunate circumstances of their parents.

In this little Tennessee school, described recently in an Associated Press dispatch, the age limit of students is considerable higher than the average of other schools. There is a reason for this—poverty. Of the 14 students graduating this year, three were between 35 and 40 years of age. The average age of the 110 students attending school at Baxter Seminary, the dispatch adds, was between 25 and 30 years.

"Our students are poor and needy, live in little log cabins, have poor land, and are older than the average," said Rev. Harry L. Upperman, president. "Three students between 30 and 35 years of age are in the first, second and third years of high school respectively, and some who are between 20 and 30 are in the first and second years of high school. One man is now 57 and has been trying all his life to finish so that he could have the honor of graduating from high school work before he died."

"Practically all the students work their way through the seminary, doing sweeping, farming, waiting on tables, etc., and most of them pay their tuition in cornmeal, flour, meat and beans."

"We have never turned a student away because of poverty," said President Upperman.

### TEXAS PHYSICIANS BREAK TRADITION AND WILL USE NEWSPAPER SPACE

Some will hail the action of Texas physicians, in breaking away from old traditions and using newspaper advertising space as evolution and others will describe it as retroaction. The fact will remain, however, that the doctors of Texas, in deciding to advertise as a group, have seen that the people of Texas need to be informed of conditions existing in the treatment of disease, and they are determined that the people of Texas shall receive the information.

The Publishers Auxiliary, speaking of the action of the Texas physicians says:

The doctors of Texas have decided to advertise. They will not advertise as individuals, however, but as a group. As conservative as this advertising will be, it nevertheless constitutes an epoch-making step for the regular variety of doctors, who have until the present consistently held as a part of their ethics that no reputable physician should solicit patronage through the public prints.

The State Medical Association of Texas in convention at Austin recently took the step which authorized the abandonment of the old point of ethics. The Association named an executive committee of 31 to devise dignified yet effective means of advertising which would mark the allopaths from differing kinds of practitioners whom they do not consider qualified to treat disease. This committee of 31, meeting in Fort Worth, directed Dr. C. M. Roser of Dallas, president of the State Medical Association and chairman of the committee, to select seven of the 31 to get the proposal before the county units of the association.

This smaller committee was instructed to recommend to the county associations that they publish the names of their members in some local paper or papers at regular intervals. The frequency of these intervals was left to each county organization to determine. County associations were also to be urged that at frequent intervals they have some material of an educational nature concerning common diseases submitted to the local papers for publication for the public good.

While the action of the Texas physicians is extraordinary, we must not permit the unusualness of the action to blind us to its deeper import.

Newspapers naturally will find pleasure in the decision of the Texas physicians, not because of the negligible amount of additional revenue it might give them, but because the decision serves as additional indication of the trend of public opinion toward the conviction that advertising now is one of the greatest forces in America.

The physicians are not advertising in the hope that such publicity might bring additional patents to any doctor of the group belonging to the Texas medical units. They are to use newspaper space in order to make clear in the public mind, what character of treatment is offered by the members of their association, the high ideals of their organization and its membership.

So many different methods of treating disease have come into existence in the past few years, the public's mind is becoming confused. The day of the old family physician has given way to the day of the specialist in the medical fraternity and the day of scores of other methods of treatment, outside of the medical fraternity.

The medical doctors love their profession, they are justly proud of it. They have every reason for both sentiment. In Texas they have decided to take no chances with the public confusing them with any others.

## State Strikes All But One Of Counts In Bill

(Continued from Page One)

"Howell did not inquire for Davis?"

"He did not."

"You had come from Decatur and turned at the Y. M. C. A., Howell saw Davis didn't he?"

"Not so far as I know."

"Did you not tell Les Williams and Mr. Rogers at Hartselle that same night that you tried to keep Howell from going back?"

"I did not."

"Who did you relate this to?"

"Who did you relate this to?" the state objected and the objection was sustained.

"You did not tell Mr. Rogers or Mr. Williams all about the shooting?"

"I do not recall talking to Mr. Rogers or Mr. Williams at anytime. I talked to the folks at home and to Mr. Rogers the next day or later."

"Did you tell him that you tried to get Howell not to stop?"

"No."

"How long had Howell been drinking?"

"I don't know."

"Had Howell been drinking?" The state objected and the objection was sustained.

"Do you know how many drinks he had had?" the defense parried. The state objected and the objection was again sustained.

The witness then related the conversation between Davis and Howell after the car had been parked. He said that Howell called to Davis to come out and get into the car. Turney declared that he asked Davis not to get in the car. He said that Howell began cursing Davis.

"What was Howell doing when you pushed him back in the car," asked the defense?

"I did not take hold of his hand or push him back in the car," was the answer.

He then stated that Davis was not in front of the car when the shooting started and that there was no wind shield between Davis and Howell. He said that Davis walked east from the car when he stepped back before drawing the pistol. The defendant then conferred with Attorney Sample.

"When you first saw the pistol where was Davis?"

"He had turned and was coming back," He said he reached for the door to get out when he saw the gun.

"Did you know the pistol snapped?"

"Yes."

"Had you fallen to the sidewalk?"

"I don't think so."

On re-direct the state asked what Davis had said to Howell when Howell asked him to get in the car and the witness answered, "Jeff, you are liable to get hurt."

The defense then asked, "When did Davis say 'you are liable to get hurt'?"

"When Jeff asked him to get into the car," was the answer.

"What did Jeff tell Davis when he first told him to get into the car?"

"He told him he was going to take him to the edge of town and give him a good whipping."

The state then objected to testimony that threats had been made against Davis on the grounds that it was not evidence for self defense, the plea of the defense. Judge Horton directed the defense to give evidence of self defense as attorney Sample asked of Howell's weight and physique. The state objected to all such testimony and the objection was sustained.

Sample then asked how many times Howell cursed Davis and Turney replied once. He said that Davis had been asked to get into the car twice. The witness was ordered to stand aside.

Dr. Johnson, who was on the back

seat of the car the night of the shooting was the next state witness. The preliminary questioning was a duplicate of the questions shot at Turney. Johnson testified that Davis had refused to get into the car saying "No, I know you don't like me." Johnson stated that Howell replied, "You're damn right, you swore a lie on me." The witness said that Davis then warned Howell that he would get hurt if they got into the car together and that Howell replied, "No, you little son of a bitch, you want hurt anybody. Johnson then stated that Davis walked back and started fumbling under his coat and when he turned he had the pistol in his hand. Johnson showed the jury how the gun was fired, with both hands nearly on a level with the eye. He said that Davis said he had been in Hartselle long enough and that there were four or five shots fired. He said Howell was facing Davis when the first shot was fired and that his right side was toward the defendant when the other shots were directed at him.

On cross examination Johnson testified that he had not come to Albany Decatur with Howell and Turney but that he had met them at Hotel Hilda. He said Howell was driving all the time. He said that they went to the Decatur Cafe and that the proprietor, Jimmie James was in charge, but that he had not heard Howell ask if Davis had been seen. He then declared that they had not tried to keep Howell from stopping in front of the Clements Drug Store.

"Didn't Howell say there's that damn Shorty Davis?"

"No."

"Did you not say that Howell said that, did you not tell Les Williams and myself that," Sample asked. The witness replied that he had not.

The witness testified that Turney told Davis that he could not get in his car when Davis refused to get in at Howell's request. He said that Howell said, "You're damn right you won't get in." Davis replied that he would not get in, according to the witness. Johnson stated that Howell then accused Davis of swearing a lie against him in police court and that Davis told him to "go on" and that he was drunk. The witness said that Howell addressed Davis in vulgar terms on three occasions but that he had added no adjective that the defense produced.

He said that Howell did not tell the defendant that he would "make" him get in the car and that Howell did not tell Davis that he "would take him out." The witness declared that he had not told Les Williams or anyone that Howell had threatened to take Davis out or that he would make him get in the car. Sample and Davis again conferred and upon the question of Howell's condition the state again objected. The objection was sustained.

The defense asked if Howell "with an oath had made threats." The objection by the state was sustained.

J. R. Howell, father of the slain man was then called to the stand. He testified that the deceased was 26 years of age, that his name was Robert Milton Howell and that "Jeff" was a nickname.

The defense cross examined with reference to the size of the dead man and his strength but the state objected and the objection was sustained. Sample declared that he had expected the answer to show that Howell was a fine physical specimen, a man weighing near 170 pounds.

Miss Madeline Vinsant testified that she had seen the occurrence when the car in which her mother, brother, sister and herself were riding was parked in front of the Clements Drug Co. She said the first shot attracted her attention and that she had heard no talking. She said that Davis was on the sidewalk and that Howell was in the car. She gave the same testi-

mony that had been given with reference to the position of the car which was occupied by Turney, Johnson and Howell. She said that five shots were fired and that she had not heard the gun snap.

On cross examination she declared that she had not seen Howell reach for the door, that she saw Turney get out of the car and run to the rear of the car. She did not hear Howell call Davis to the car, she said, and testified that there was an interval of time between the first shot and the others. She said she paid no attention to any conversation between the men.

Miss Ella Vinsant was called and declared that there was one parking space between the car in which she and her relatives were seated and the Turney car. She said she heard the shooting, but no talking. She declared that Davis was a distance of six feet from the Turney car when the first shot was fired. She said that Turney got out after the first shot. Sample cross examined and the witness testified that Turney was rolling out of the car quickly. She said she paid no attention to the distance between the car in which she was seated and the Turney car, she declared that one parking space was between. She said she saw Davis and saw Howell come up afterward and park. Miss Vinsant declared that a coupe was parked between her own car and the Turney car. She said Earl Watson came out of the drug store after the first shot and left, he was by himself, she declared.

A recess was taken for five minutes as the state rested its case.

At the conclusion of the short recess the defense asked indulgence to confer with defense witnesses.

Defense Opens

Purdue Looser was the first defense witness called. He testified that his residence was on 7th avenue west Albany and that he is an employee of the J. F. Lovin company. He said he knew the deceased and the car that occupied the car the night of the fatal shooting. He said he did not see the three men before the car was parked. He declared he came out of the drug store and saw Davis close to the car and that he heard Howell say: "You

swore a damn lie against me." He stated that Davis replied "wait until tomorrow, you're drunk now, I'll settle with you then" Howell then said, according to the witness, "You settle with you settle right now, you haven't got guts enough." The witness said Davis then turned aside, drew his gun and started shooting, he said that Davis did not go away from the car. He said that Howell was attempting to get out of the car, had hold of the

(Continued on Page 3)

Have you ever desired to be free, to go where and when you please? What is freedom? Is it worth struggling for? Read "Prudence's Daughter," by Ethel Hueston, starting soon in The Daily.

## SAFE Chimneys

FREQUENTLY a fire place in the living room makes a new home of the old one.

There's nothing to burn in brick—it's "burned out" in the making.

Consequently BRICK for chimneys, fire places, bearing partitions and other important parts of the house is the SAFE material.

Insist on Brick for interior and exterior use.

### Three Books for Home Builders

Thousands have found in these books the home they want at the price they can afford. They're all built and lived in—practical and attractive. "Skintied Brick Work" (15c). Newest effects in rough texture walls. "The Home You Can Afford" (10c). Sixty-two homes in pictures and plans for average families. "Your Nest Home" (10c). 38 entirely different homes. Floor plans and exterior views.

Complete working drawings for each home shown.

### Tennessee-Kentucky

Common Brick Manufacturers' Association

NICHOL BUILDING Nashville, Tenn.

## Common BRICK

Name of Company and Address. Enclosed find 10c. Send home checked. ☐ Skintied Brick Work, 15c. ☐ Your Nest Home, 10c. ☐ The Home You Can Afford, 10c. Send free literature on new Common Brick Walls. Name Address

### CONDENSED STATEMENT

## TENNESSEE VALLEY BANK

JUNE 23, 1925.

RESOURCES	LIABILITIES
Loans and discounts.....\$4,620,908.93	Capital Stock.....\$ 225,000.00
Overdrafts.....5,404.32	Surplus Fund.....225,000.00
Stocks and Bonds.....234,590.00	Undivided Profits.....76,666.54
Banking Houses.....106,250.00	Reserve for depreciation.....47,567.75
Furniture and Fixtures.....47,500.00	Reserve for dividend.....18,000.00
Other Real Estate.....7,700.00	Other Reserves.....10,000.00
Cash and due from Banks.....586,731.19	Deposits.....5,006,910.05
<b>\$5,609,144.34</b>	<b>\$5,609,144.34</b>

### COMPARATIVE STATEMENT:

	Capital, Surplus and Undivided Profits	Deposits
June 23, 1923.....	\$442,469.15	\$3,806,888.97
June 21, 1924.....	505,930.53	4,518,077.46
June 23, 1925.....	602,234.20	5,006,910.05

Coming!  
New Models  
NASH  
Wait till Thursday's paper

## DAILY CLASSIFIED ADS

All your wants in shorter time at less cost than any other medium.

## RATES

One insertion, one cent a word; three insertions, two cents a word. Minimum 25 cents per insertion.

## TERMS

Cash with order except business firms having accounts.

## TRY A

Three-time ad costs less and produces more. You get three insertions at the price of two.

RENT—1009 Ferry Decatur, papered \$30, 1802-1804 5th at \$12, 1722, 5th at \$9, 818 at \$17 640 Jackson at \$20 3rd \$20. J. A. Thornhill.

SALE—At a bargain one of the homes in West Albany. Also home on 3rd avenue South. See J. A. Thornhill.

SALE—German police puppies; Andersons and daughters of Champ-Ajax Von Luxenberg. Eligible registration. Priced for quick sale.—Fred M. Swift, Hartselle, 20-6t.

## FOR SALE

SALE—1 5 room house 2 1-2 b. home, good orchard, city water and lights on Danville pike. 50 1 7 room house, 107 Prospect ave for \$3750. 1-2 cash balance. O. C. Pettet. 20-3t.

SALE—Farm near Collman for sale trade cheap. Terms to suit. Or could take new or late model car as payment. See W. C. Self, Barber, Albany, Ala. 20-3t.

SALE—Windshields, any car. C. E. Malone. 27-1t.

SALE—Sorghum mill and copan in good condition. See J. L. hols. 15-tf.

## FOR RENT

RENT—Furnished apartment light housekeeping, with private bath and use of garage. Apartment at 418 Johnston street, Albany. 18-3t.

## MISCELLANEOUS

NTED—We will pay 5c per pound for old rats; must be clean and in good condition. Bring to Daily office.

NTED—Boy with wheel to work store and deliver packages. Address "R" care The Daily. 21-3t.

wanted immediately to distribute samples and circulars. Spare time. \$5 to \$25 weekly paid by 1000 No. Unvanishing. Permanent position to right man. Address W, care The Daily.

UND—Ladies fountain pen in Decatur at Corner of Bank and Vine street. Owner may have same by phoning Albany 31, R 1 and paying for advertisement. 21-1t.

We buy talking machines. "sell" "rent" "exchange" "repair" "call for" "deliver" The Little Furniture Store. T. T. son, Prop., Phone Decatur 370. 15-6t.

## The Best Place To Stop

14 East Walnut street, nice cool airy bed rooms; hot and cold water, and meals. Prices reasonable. 21-6t.

## DAILY BUYING GUIDE

Your advertisement here is a constant ready reference.

## RATES

\$7.50 per column inch per month.

H. MULLEN Plumbing team and Hot Water Heating Experienced and Reliable Phone 64, 222 Grant St. Albany

GABRIEL'S SNUBBERS AT LIDE'S

## TILLIE THE FOILER

By Russ Westover



## BRITISH BUSINESS MAN ORDERS BAN ON GIRLS' LIGHT STOCKINGS

CARDIFF.—The manager of a large business house has created consternation among his women employees and those of other concerns, by issuing instructions that his staff must not wear champagne-colored or flesh-colored stockings during business hours. This has developed into quite a controversy and the great question of the day is "Are light stockings and abbreviated skirts permissible for business girls?"

One girl has revolted and resigned rather than wear the orthodox black stockings. She says: "My stockings do not interfere with my efficiency and there is no reason why, because I am a business girl, that I should not be smart. Besides, in this hot weather light stockings make one feel cooler. Anyway, they look cooler."

## "I Got Real Mad when I Lost My Setting Hen," writes Mrs. Hannan, N. J.

"When I went into our barn and found my best setting hen, I got real mad. One package of Bat-Snap killed six big rats. Poultry raisers should use Bat-Snap. Comes in cakes, no mixing. No smell from dead rats. Three dozen price, 45c, 65c, \$1.25. Sold and guaranteed by CADELL DRUG CO.

## COMPLETE BATTERY SERVICE Generator and Starter Repairing Ignition Work

We Repair Electric Fans, Irons, Vacuum Cleaners, etc. WOODALL'S ELECTRIC SHOP 721 Bank St. Phone Decatur 6

## Barbecue Pig Stand Hartselle Pike, 3 Miles From ALBANY

Open 8 a.m. to 11 p.m. Ice-cold watermelon, cold drinks "Out at the Oak Grove"

## Cain, Wolcott &amp; Rankin Inc. COMPLETE INSURANCE SERVICE

## SENECA SPRINGS MINERAL WATER

DAILY TRUCK 10 Cents the Gallon Phone Decatur 492

## PHONE DECATUR 32 TAXI? We'll Come at Once Day or Night W. I. Fuller Taxicab Service

## LIST YOUR FOR SALE REAL ESTATE With Me. B. D. MEADORS DECATUR, ALA.



## Prompt Delivery Phone for food It's the Better Way

## \$3,500 IN CASH First Prize PRIZES. Open to Everybody, Anywhere, FOR ANSWERS IN EDUCATIONAL CONTEST. Send stamp for Circular, Rules and Questions. SHEFFIELD LABORATORIES, Dept. 9, Aurora, Illinois.

## We Are Now In Our New Location PALACE CAFE "A Good Place to Eat"

## Moulton News

A much needed house-cleaning is being given the county court house by Judge W. R. Jackson. The old and long time battered window shades that refused to keep out the glaring sun in the court room are being placed with new ones that are guaranteed to work. The old seats scattered over the room with broken backs or missing seats are being replaced with new ones, the jury rooms are each being supplied with substantial chairs as well as window shades and the offices on the first floor are receiving their share of attention too. When the next term of court opens the out of town lawyers and judges will find their work may be done under more dignified conditions than they have for years.

State examination for teachers is being held at the county high school building Monday and Tuesday, eight applicants are writing the examination, seven white and one colored, six of the applicants are asking second grade license and two, third grade. Three of the white applicants are married women and the other four young men.

A general farm meeting of great interest is to be held in Moulton Saturday, July 25. It is being held under the auspices of the Alabama bureau. In the forenoon L. N. Duncan of the extension department, Auburn, Hon. Ed O'Neal, president of the Alabama farm bureau and P. O. Davis, Editor for the extension work at Auburn, are to address the gathering. The county paper is carrying a half page notice with advertising subpoenaed by the local merchants, for the occasion. The Parent-Teachers Association is to furnish luncheon proceeds of which go to the county high school fund, and in the afternoon the county farm bureau association holds a business session at which time officers will be elected for the presidency, the position of first, second and third vice president, the position of secretary and treasurer. These officers comprise the executive committee for the county organization.

The week at Moulton might well be called Home Coming week since so many out of the county visitors are here. Mr. and Mrs. Fletcher Sandlin of Oklahoma are the guests of his father, Mr. J. M. Sandlin; Mr. and Mrs. Ward Bracken, and little girl are the guests of her relatives and of his. Dee McCarty of Leighton is spending a few days with his parents and friends, Mr. and Mrs. Edgar Montgomery and their son, Harry and daughter, Miss Grace, of Memphis Texas are spending the week with their numerous relatives in and about Moulton. Mr. and Mrs. Nathaniel Almon are the guests of his father and family early in the week and the Misses Young have as their guest, Miss Susie Sargent, of Jacksonville.

## MANY CASES HEARD

Eight cases were heard before the Albany police courts this morning and all defendants found guilty as charged.

One speeding charge was fined \$26.60. Mitchell made the arrest.

One negro woman charged with fighting was fined \$26.60. Hendrix and McCall made the arrest.

Three white boys were arraigned on a charge of stealing merchandise from the R. E. Chandler store. One defendant in this case was fined \$26.60 and given 30 days. The other two tried received fines of \$26.60. Arrests were made by Hendrix and McCall.

Three white boys were charged with having taken the tires and generator from a car in South Albany and were fined \$26.60 each. West and McCall made the arrests.

## NOTICE

There will be call meeting of Rising Sun Lodge, No. 29, tonight at 7:30 for work in F. C. degree. All fellow craft Masons are cordially invited.

E. R. HUMPHREY, W. M. E. E. DICKINSON, Sec. adv. 1t.

## SPORTS

## Vance Narrowly Misses Strikeout Record; Detroit Moves Into Third Place Over Sox

Dazzy Vance, one-time premier hurler of the Southern league and now wearing the livery of the Brooklyn Robins narrowly missed the National league record for strike-outs yesterday when he whiffed 17 Cardinals in the space of ten innings. Vance tied his own record for striking out 15 men in nine innings. He ran his season's total of strike-outs to 137.

All the Cardinal big guns, led by Manager Hornsby, assailed the atmosphere on three occasions.

Vance held the Cards to three hits for the afternoon and gathered that many blows himself. His single in the tenth decided the victory, sending the winning run across.

The Pirates dropped a tilt to the Phillies 6-3 while the Giants were gathering steam at Cincinnati. The Pirates remain but four spare points in the lead as the result of the win.

The Boston Braves won out over the Chicago Cubs 6-3 with Rube Benton doing the tossing.

Over in the American league Detroit featured the day when the Tigers climbed into third place with another victory over the Yankees. Despite Babe Ruth's tenth circuit swat of the year the Tigers held their lead over the New Yorkers 9-5. Rip Collins was on the mound for the Cobblers and although giving up 11 hits, kept them scattered and tightened in the pinches.

Washington and Philadelphia pulled their usual stunt and grabbed victories over the Browns and Cleveland. Stan Coveleskie allowed the Indians but a single counter in the full nine innings. The win gave Washington a sweep of the three-game series. Chicago and Boston split a twin bill at Chicago.

## You Can Tell When A Woman Looks Energy and Vitality

Dull Eyes, Sallow Complexion, Carelessness In Keeping Herself Looking Neat and Attractive Are Unmistakable Signs That She Is Victim of Catarrh.

Catarrh of the generative organs—the disease which creeps on you unaware and shows itself in lack of appetite, loss of sleep, pains in the back and sides, cramping spells, irritability, and a seeming impossibility to regain weight and strength—has been proven to be the direct cause of the poor physical condition of many girls and women, commonly known as "female trouble." And the fact that no other medicine has been able to overcome this dread disease only emphasizes the reason for the phenomenal success of St. Joseph's G. F. P.

More and more women are finding that this medicine is making wonderful changes in their personal appearance, vitality and health, which they never dreamed were possible. The rapid spread of the fame of St. Joseph's G. F. P., the great and sudden growth in its sales since its introduction here, the tremendous and hearty interest shown by the women who are using it, by voluntarily praising its qualities, proves beyond the shadow of a doubt that its discoverers were right in their claim to have found the thing which overcomes and stamps out the malady which has been keeping women from enjoying in the fullest measure the pleasures of society and the blessings of motherhood.

At social gatherings between neighbors and among friends the wonderful effects gotten by using St. Joseph's G. F. P. is becoming the chief topic of conversation.

Women Now Depend on St. Joseph's G. F. P. to Restore Their Vitality

TRY A WANT AD

## How They Stand

SOUTHERN LEAGUE		
New Orleans	54	38 .587
Atlanta	50	48 .510
Memphis	51	50 .506
Nashville	47	47 .500
Mobile	48	50 .489
Birmingham	44	49 .473
Chattanooga	44	49 .473
Little Rock	43	50 .462

## AMERICAN LEAGUE

Philadelphia	50	30 .651
Washington	57	31 .643
St. Louis	45	42 .517
Chicago	47	43 .522
Detroit	47	43 .522
Cleveland	40	52 .435
New York	35	54 .393
Boston	27	61 .307

## NATIONAL LEAGUE

Pittsburgh	50	33 .602
New York	52	35 .598
Cincinnati	42	43 .495
Brooklyn	43	43 .500
St. Louis	42	45 .483
Philadelphia	41	45 .477
Chicago	38	48 .442
Boston	36	53 .404

## YESTERDAY'S RESULTS

Southern League  
Nashville 7; Mobile 2.  
Atlanta 5; Memphis 6.  
Birmingham 1; Little Rock 6.  
Chattanooga 2; New Orleans 5.

## American League

Philadelphia 8; St. Louis 3.  
New York 5; Detroit 9.  
Washington 9; Cleveland 1.  
Boston 1-10; Chicago 3-7.

## National League

Pittsburgh 3; Philadelphia 6.  
New York 6; Cincinnati 5.  
Chicago 3; Boston 6.  
St. Louis 3; Brooklyn 4.

## WHERE THEY PLAY TODAY

Southern League  
Mobile at Nashville.  
New Orleans at Chattanooga.  
Birmingham at Little Rock.  
Atlanta at Memphis.

## American League

New York at Detroit.  
Philadelphia at St. Louis.  
Washington at Cleveland.  
Boston at Chicago.

## National League

St. Louis at Brooklyn.  
Cincinnati at New York.  
Chicago at Boston.  
Pittsburgh at Philadelphia.

## RUSSIA EXPERIMENTING TO CUT FOREIGN COTTON PURCHASES

MOSCOW.—Russia is now making extensive experiments in cotton growing in several districts of the Soviet Union. The use of cotton in the Soviet textile industry is increasing greatly and the insufficiency of Russian-grown cotton makes it necessary to spend large sums of money for the purchase of cotton abroad. At present there are but a few acres in Turkestan and the Trans-Caucasus which cultivate cotton, and attempts are now being made to raise cotton also in the Kuban district where the climate is specially adapted to it.

New areas also have been selected in the Turkestan and Fergana district where if experiments prove satisfactory the Russian authorities hope they will be able to satisfy the country's need for cotton without resorting to purchase abroad.

"A daughter's place is with her mother!" This was a father's answer to the girl who wanted to go away to live her own life. But she went. Read "Prudence's Daughter," starting soon in The Daily.

## MATHER DOES NOT SEE ANY CONFLICT

No Fact Contradicts Teachings Of Christ He Declares

(Associated Press)  
DAYTON, Tenn., July 21.—In a statement which traced the geologic periods, indicating the evolutionary evidences of each, Kirtley F. Mather, chairman of the department of geology at Harvard University, declared "none of these facts is really in any way disturbing to the adherent to Christianity."

The statement became a part of the record of the Scopes evolution trial today.

Mr. Mather, who is a member of the Baptist Church at Newton Centre, Mass., and a teacher of a Sunday school class, declared:

"Not one of these facts contradicts any teaching of Jesus Christ known to me. None of them could for his teachings deal with moral law and spiritual realities. Natural science deals with physical laws and material results. When men are offered their choice between science, with its confidence and unanimous acceptance of the evolutionary principle, on the one hand, and religion with its necessary appeal to things unseen and unprovable on the other, they are much more likely to abandon religion than to abandon science."

"If such a choice is forced upon us, the churches will lose many of their best educated young people, the very ones upon whom they must depend for leadership in the coming years. Fortunately such a choice is not absolutely necessary. To say that one must choose between evolution and Christianity is exactly like telling a child as he starts for school that he must choose between spelling and arithmetic."

"Thorough knowledge of each is essential to success—both individual and and racial—in life."

## Plans Appeal Of Verdict To Higher Court

(Continued from page one)

and not with the body, or chest of tools, which is the means of self development or self expression of that soul.

"That natural science is concerned with the developmental history, the structure and the functions of all living bodies, and not with any religious or ethical questions."

"That the Bible simply states, that God created the human body and the material he used in doing it, and not how he did so. There are at least four separate accounts of the creation of the human body in Genesis, and they can only be harmonized in accordance with this viewpoint."

"Science has discovered the developmental history, evolution, of that body, the method by which God has brought it into being."

"Another theory of some Biblical scholars is that the Bible interprets itself. In Romans 4:17 appears the statement that God 'callest things that be not as though they were.'"

"For instance, some scholars would say, where the Bible states that man was made in the image of God, it refers only to Christ and his body and in the Bible are found passages to uphold this. As an instance in Philippians 3:21 is the statement concerning Christ, 'who shall change our vile body that it may be fashioned like unto his glorious body.'"

Various illustrations were given as instances of passages of the Bible which should be interpreted figuratively, or of words which should be given meanings different from their common usage in the present day.

"In other words, we should prove that the Bible is subject to various interpretations," they continued, "depending upon the learning and understanding of the individual and that this is true, there is nothing necessarily inconsistent between one's understanding of the Bible and evolution. Many accept these statements in the Bible as legends or parables and they find them not inconsistent with an scientific theory."



## Be Careful Of Baby's Laxative In Hot Weather

When Baby is upset in hot weather be careful of the laxative you give. Laxatives that may be all right for older children are frequently too drastic for the teething child.

Mother, be sure you are safe! Give only Dr. Moffett's Teethina, except under a physician's orders. Teethina is a baby doctor's prescription—safe, harmless and pure. It gently regulates the little Liver and Bowels. It helps ease Colic, pain, diaper Sores, and Gas, aids Digestion and helps send healthier Blood coursing through rosy cheeks. It costs only 30c, yet millions of mothers now know its priceless value in keeping babies free!

FREE! SEND FOR USEFUL Booklet About Babies C. J. MOFFETT CO., COLUMBUS, GA.

## TEETHINA Builds Better Babies

## —to regain Strength



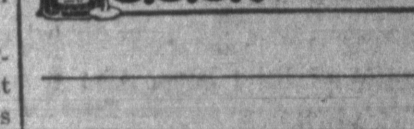
—brings joy to you and your friends.

EVERY man, woman and child wants to have strength and correct weight. It means the joy of living. To be minus strength and underweight often proves low fighting power in the body. It often means you are minus nerve-power, minus red cells in your blood, minus health, minus vitality. It is serious to be minus, but the moment you increase the number of your red-blood-cells, you begin to become plus. That's why S.S.S., since 1826, has meant to thousands of underweight men and women a plus in their strength. Your body fills to the point of power, your flesh becomes firmer, the arc lines that come from thinness disappear. You look younger, firmer, happier, and you feel it, too, all over your body.

More red-blood-cells! S.S.S. aids Nature in building them by the million! There are no unproven theories about S.S.S., the scientific results of each of its purely vegetable medicinal ingredients are admitted by authorities. Begin taking S.S.S. today. It will give you more energy, vitality and vigor and a more up and going appearance.

S.S.S. is sold at all good drug stores in two sizes. The larger size is more economical.

S.S.S. Makes You Feel Like Yourself Again



## Kills MOTHS FLIES MOSQUITOES BEDBUGS-FLEAS

Moths are dead—not merely stunned—when Tanglefoot is used. This powerful, extra-strength insecticide costs no more than ordinary sprays. There is nothing more effective for killing flies, mosquitoes and other insects. Half-pint 50¢, pint 75¢, quart \$1.25 at grocery and drug stores.

THE TANGLEFOOT COMPANY Grand Rapids, Michigan

# SOCIETY.

Margaret C. Shelton—Phone Decatur 362.

## BRIDGE PARTY FOR MISS OTTLEWELL

Miss Louise Almon will entertain at bridge on Tuesday afternoon commencing Miss Elizabeth Ottlewell, of Cullman who is the house guest of Miss Agnes Cassells.

## MISSIONARY SOCIETY MEETS

On Monday afternoon the Missionary Society of the First Methodist church gave their literary program "World Sisterhood Calendar" at the church.

The introductions and devotions were given by Mrs. J. S. Robertson and the special topics the "Belle Bennett Memorial" and the missionary topic, "Sisterhood of Mothers caring for Children" were presented by Mesdames W. M. Ritter and Lee. A much appreciated addition to the program was a reading by Miss Agnes Cassells and a vocal solo by Miss Rowena Baker.

The meeting adjourned with prayer.

The Woman's Christian Temperance Union—Eastside Community picnic was a delightful affair. Community workers, W. C. T. U. members and helpful friends were most generous with the luncheon, 125 beautiful plates being served to the children.

After an hour of strenuous, rollicking play led by a Y. M. C. A. representative and community workers, a patriotic demonstration by the children was given, in which they gave a flag drill, minus the flags largely, and accompanying yells, rendered the difficult Star Spangled Banner from memory and America the Beautiful and America.

The W. C. T. U. program opened with prayer by Dr. Goodwin. The young women of the Young Peoples' branch of the W. C. T. U., put on the pageant, Democracy, and two song numbers, one the heart of W. C. T. U. power, "Nocturnal Hour of Prayer," and the other a captivating negro song, "Dr. Wallace gave an address on narcotics as found in the cigarette and cold drinks. Odell Stubblefield, a little community worker, gave a reading on the power of example which was quite to the point.

The motto of the Y. P. B. is "A good time with a purpose." The first was augmented by the several accidental stunts. The purpose was achieved by the W. C. T. U., stressing two of its great departments—Child Welfare, at which it is the oldest organization in the U. S., and its department of Anti-Narcotics.

Mrs. D. D. McGee is spending a few weeks in Monticello, Tenn.

Miss Amanda Pride left Tuesday morning for Montgomery for a visit to Miss Lucille Patterson after which they will go to Coral Gables, Fla., for a two weeks stay.

Misses Mattie Lee and Lora Tribble of Huntsville are visiting their aunt, Mrs. S. H. Dublin.

Mrs. Monroe Russell returned Monday from Lookout Mountain at Chattanooga, Tenn., where she has spent some time. She was accompanied there by Mr. Russell who will remain for several weeks.

Miss Thelma Bagwell of Birmingham is the guest of Mr. and Mrs. W. B. Robertson and will return to her home on Friday.

Mrs. Brad Bibb and daughter, Mary Augusta of Belle Mina, Ala., spent Monday with Mr. and Mrs. Zeno Bailey.

Mrs. M. L. Patterson returned home to Baugh Tenn., on Monday after a visit to her daughter, Mrs. W. M. Voorhies.

Miss Beulah Rowell left last week for a visit to New York city and will be gone for two weeks.

Mrs. Guy E. Moore of Columbus, Ga., is the expected guest of Mrs. J. R. Daniell.

Miss Hilda Carpenter who is visiting Mrs. Felix Horn in Luverne and Mrs. E. T. Rives in Montgomery will return home this week.

Misses Essie, Elsie and Wilma James of Trinity Route 1, are the guests of Miss Theresa Liston at her home on Third avenue West.

Mr. and Mrs. Frank Davis left Monday for a two weeks visit to points in Florida.

Mrs. A. B. Lompkin is very ill at her home on 1st street.

Mrs. C. C. Pfaff and son, William will leave Wednesday for Dallas, Texas for a two weeks visit to friends and relatives. They will then visit Amarillo, Texas, Denver and Colorado, Col., and Pike's Peak.

Miss Blanche Cline of Little Rock, Ark., who has been visiting her brother in Birmingham is now the house guest of her sister, Mrs. J. L. Broadway.

Mrs. Ellen Ballas and Mrs. O. Kyle left Monday morning in Mrs. Ballas' car for a visit to Florida. They were joined today in Montgomery by Mrs. Victor Hurd of Clanton who will make the remainder of the trip with them.

Mrs. C. B. Elliott will leave Wednesday to be the guest of Mrs. W. B. Smith in Birmingham returning home on Saturday.

Miss Elizabeth McKenzie of Birmingham arrived Saturday to be the guest of Miss Mabel Eubanks who is spending her vacation with her parents, Mr. and Mrs. I. M. Eubanks.

Miss Gladys Daniel of Cullman is the guest of Miss Cue McConnel of Albany.

Grady Patterson has returned to his home in Birmingham after a visit to his sister, Mrs. W. M. Voorhies.

Lamar Penney and son, Walter Marvin are very much improved after an attack of fever.

C. W. Russell of Dallas, Texas who was the guest of his parents, Mr. and Mrs. Monroe Russell accompanied them to Lookout Mountain and now has gone to St. Louis, Mo., to attend a convention before returning to his home.

## TYPHOID IS HIGHER IN SMALL CENTERS

### Physician Advises The Utmost Care As Prevention

(Associated Press)

MONTGOMERY, Ala., July 21.—In a memorandum sent to doctors throughout the state, Dr. M. Leach director of the bureau of epidemiology of Alabama points out that while 62.8 per cent of the cases of typhoid fever reported last year occurred among the strictly rural population, the case rate per thousand was only .96.

The highest incidence rate occurred in towns of from 500 to 1,000 population Dr. Leach says. This he explains on the basis of the greater degree of contact among the people in such communities and the lack of proper sanitation. Dr. Leach states though, that many forward steps have been taken towards removing the lack of sanitation.

1925 is forecasted as a high typhoid year in the United States in the memorandum, although Dr. Leach says the reason for an increased incidence is not apparent. He says that the warning of a high incidence should be enough to stimulate everyone to take extra measures of precaution in combating the ravages of the disease.

"One means of prevention within the reach of everyone is immunization against typhoid fever," Dr. Leach declares. Vacationists should see that they are protected before going away on visits. Employees of large groups of negro labor should see that their laborers are inoculated since it is possible for a person to be immunized against the disease, typhoid may be classed with smallpox and diphtheria as an optimal disease."

## U. S. GETS OLD JAPANESE BOOKS

SEATTLE.—Twenty-five volumes of Japanese poetry depicting vividly life in Japan in the eighteenth century recently were presented to the University of Washington library by Professor Anesaki, librarian of the University of Tokyo.

The volumes, which took nine years to compile, are part of an edition made from two copies of a collection saved from destruction in the Japanese earthquake in September, 1924. All but two unbound sets were destroyed by the earthquake.

## FREE FOR ALL FIGHT

(Associated Press)

WILKESBARRE Pa. July 21.—Turbulent scenes, including a free for all fist fight among the delegates marked the opening yesterday of the biennial convention district number one, United Mine Workers.

## RAIN NEEDED

(Associated Press)

RICHMOND, Va., July 21.—Virginia farmers will close between \$40,000,000 and \$50,000,000 unless a general soaking rain falls within a week, it was declared today.

## State Strikes All But One Of Counts In Bill

(Continued from page 2)

door, was out from under the wheel, sitting very close to Turney. The witness said that Howell had one hand around the back of the seat and the other on the door. He said that he did not see Howell attempt to do anything. He said that Davis was never more than 4 or 5 feet from the car when he (Loosier) came out of the drug store. The cross examination showed that Davis' side was to Howell when the gun was drawn. He said that Davis drew a gun from his shirt or coat. He said Davis faced Howell and that neither uttered any word as Davis held the pistol in both hands. He testified that the gun snapped and then fired five times. He said Howell said nothing when he was shot.

On re-direct the witness said that Turney got out of the car before the first shot was fired. He declared that Davis made no statement and that he (Loosier) was within three or four feet of Davis when the shooting occurred. He said that cars were parked in every space and that he saw no car leave during the occurrence. The defense next called Richard Goode to the stand.

He testified that he saw Howell and others drive north on Second avenue to Preult Dillehay corner and turn and come back south and park. He said he saw Davis 20 minutes before the shooting and that he left Davis standing there and went down Second avenue returning about 5 minutes later. He said that he never heard Davis say anything. He said Howell swore and then Davis backed away. He said the pistol snapped twice and he then left the scene. He declared that Davis was 15 feet from the car when he shot. Goode stated that Howell was in the car all the time with one hand on the steering wheel and the other behind Turney. He said that Davis kept his eye on Howell and that he did not see what Howell did. He declared Turney rolled out of the car while the gun was snapping. He stated that he did not hear Davis say "Jeff I have been in Hartselle long enough."

On cross examination the witness again stated that he saw Turney roll out of the car and that Howell's hands were on the wheel and on the back of the seat. He stated that Davis was 15 feet from Howell when the latter told him he didn't have "guts enough to settle" and that Davis walked back and drew his gun. The defense again asked the witness about the position of the gun and about the position of Howell's hands. A recess of five minutes was allowed as attorney Sample wished to talk with defense witnesses.

Tom Walton who gave his residence as being on the Somerville pike stated that Davis was talking to Goode and himself on the night of the killing when the Turney car drove up. He said he heard Howell call to Davis, "Shorty come over here and get in the car." He stated that Davis went to the car and had one foot on the car the other on the ground. He said Davis did not want to go. The witness then testified that Howell had said "I'll get you and put you in," to which Davis replied, according to Walton, "You are fixing to get hurt. Walton stated that Howell tried to get out of the car but that Turney prevented. He said Howell again swore and the shooting started.

"Did you hear Davis tell him he had been drinking and to come back when he got sober," the defense asked.

"Yes sir," the witness answered. Walton declared that Howell told Davis that he would get out and put him in the car. He stated that Davis replied "Guess you'll have to do it then." The witness stated that Howell again used obscene language toward Davis as the latter walked away from the car and that the gun snapped twice. He said he then left. He stated that Howell was reaching for the door and his hands were on the door as Davis was preparing to fire. He testified that Turney prevented Howell from getting out of the car. The witness gave the same testimony as to the position of the car. The cross examination revealed nothing of consequence while on re-direct the defense only asked the witness to repeat a part of his former testimony.

Court was thrown into a turmoil a moment later when the state asked the witness what Davis had told Howell when Howell told him he would make him get into the car, the witness replied.

"Davis told him he would settle it tomorrow."

The witness was ordered to stand aside but the defense objected and wished to ask further questioning. Judge Horton however did not allow further questioning.

Judge Horton then ordered court adjourned until 8:30 Tuesday morning.

A. L. Davis took the stand as first witness for the defense. He said he was a barber and the state objected to questioning about army service

in France. The state's objection was sustained.

He said he located in Hartselle last September, but his mother's home was in Monroe, La.

He said he was working for H. E. Nichols in Hartselle.

Witness said he came to Decatur between 7:30 and 8 on the night of the killing. He was standing on the corner when he first saw Howell. He described the locations of the buildings near the scene of the shooting.

Howell was driving down Second avenue, going South, when the defendant first saw him. He did not recognize the other occupants. Howell drew into the curb and called him. Howell said, "Come here Shorty." Davis walked to the car and put one foot on the running board and one foot on the curb.

In an exchange between Sample and Almon the latter said: "Alright Mr. Darrow" and Sample replied "alright William J."

The defendant said Howell first invited him to get in the car and go buy a drink, but he refused.

Howell said, the witness testified, "Get in this car you pimping."

"Witness said the conversation referred to a speeding case in which he was a witness."

The defendant said Turney shoved Howell's hand back. Davis with drew about six feet. The witness charged Howell cursed him and said he would put him (Davis) in the car.

Davis said he told Howell to come and see him "tomorrow."

Howell said, the witness charged, "Get in" with oaths and then reached toward a point in the car and the defendant said he then began shooting. Turney said "don't do that Jeff" the witness declared.

Witness said he shot five times. He did not know whether or not the gun snapped once. He did not realize he had hit Howell, he said, until the latter settled back.

He denied telling Howell he guessed he had lived in Hartselle long enough.

The defendant said after the shooting he went in search of an officer.

Witness said he had testified against Howell in a speeding case. Details of the speeding trial were excluded.

Davis was asked if he had given information on which raids were made. The state objected and the objection was sustained. The defense reserved an exception.

Witness was asked if he had heard threats against him. The state's objection was overruled and the witness replied "yes."

He heard of these threats about a week after Howell's trial he said, hearing Howell said he was going to get "me and Joe Burleson."

Witness said he received two threatening letters, but Davis admitted they were unsigned, one he said, he lost and one was ruined while he was fishing. The state's objections to most of the defense questions were sustained.

There was another clash between attorneys over the admissibility of the letter evidence.

Davis said he passed Howell on the streets several times but the former did not return the salutations.

The defendant said Howell, Johnson and Turney appeared friendly. The state's objection was sustained to a question whether they are friends of persons who had been raided for whiskey on information from Davis.

Davis was asked if Tom Crittenton told him of threats to run him out of town, but the objection was sustained. E. E. Harland told him of threats by Howell, Davis testified.

Solicitor Almon began the cross examination at 9:15. The pistol was identified and introduced.

He was asked if on the day of the difficulty, it was concealed, but the defense objected and the objection was overruled. The witness said the pistol was under his coat but not concealed.

He put the scabbard on and showed the jury how he was armed. He shot at Howell to hit him, but not to kill him, Davis said.

He got his pistol before he came to Albany, witness said, and looked to see how many cartridges he had in the chamber.

The state said: "Stand aside" after only four minutes cross examination. The defendant was recalled and asked his height, replying five feet two inches. Howell, witness said was about five feet and eleven inches.

M. Patillo was called by the defense. He has lived in Hartselle 31 years, he said. He testified he has known Davis about nine months who frequently was in his store.

Witness said he had a conversation with the defendant, before the killing, but the state's objection was sustained as was another question as to whether the defendant was nervous and worried.

These were additional clashes between the defense and the state over the competency of this testimony. The witness was excused.

E. E. Harland was asked about the speeding case at Hartselle but the state's objections were sustained except that witness was permitted to say Joe Burleson and Davis were witnesses.

Witness said he told Howell he had

nothing to do with his arrest and Howell was not sore at him, but declared Howell said he was sore at "your two pimps" and said he would get Davis and Burleson if he ever got a chance.

The witness was asked about information on which raids had been made, but the objection was sustained.

He said he told Davis about the threats made against him.

He has known Davis about 8 months. The witness was asked a number of additional questions about the threats, but the replies were excluded.

The witness denied telling Ben Poole the pistol Davis had belonged to him (Harland). He said he sold Davis the pistol.

He said Davis usually carried a pistol "when out."

Deputy Sheriff Ben Poole was sworn.

Dr. Johnson was recalled for further cross examination.

He was asked if Jeff Howell had been drinking on the afternoon of the night of the tragedy and the objection was sustained.

Witness was asked if he told Les Williams that Howell said "There's that D. Shorty Davis, I'll stop and beat him up now." He denied the conversation and gave a denial of similar conversations.

C. C. Rolf said he had a conversation with Dr. Johnson and that the latter said Howell stated "There's that d. Shorty Davis. I'll go over there and beat him up now."

S. E. Gibson testified he heard a conversation in which Dr. Johnson was quoted as saying Howell said "There's Shorty Davis" and drove back and stopped.

The defense offered in evidence showings of two witnesses who were absent.

Jack Gillespie was present on Second avenue when Howell was shot to death. Howell asked defendant to get in car, but defendant declined after which Howell began to abuse and threaten defendant then appeared to reach for something on the seat but his hand was caught by a companion.

Murray Wallace's showing he was within 25 of 30 feet of scene when defendant shot. He heard Howell curse Davis and order him into the car, the showing said. Howell leaned over as if reaching for something, it was testified.

The defense rested at 10:20 and John Pope was called by the state in rebuttal.

He saw Davis late in the afternoon of the night Howell was killed. He talked to Davis about cartridges, he said, Davis asking if he (Pope) had any .38 cartridges in smokeless powder.

Ben Poole said he knows Harland and testified the latter came to him on the night of the tragedy and said Davis had gotten a pistol from him (Harland) on Sunday morning. He denied Harland said he sold the pistol to Davis.

Mr. Turney was asked if there was any weapon on the seat of the car between him and Howell. There was no weapon in the car, it was said, but the answer was excluded.

Witness said he did not at first, see any pistol on Davis. The state objected and was sustained when Sample asked the witness if Howell had been drinking.

Frank Brown was recalled and the defense's objections were overruled as to the witness having examined the clothing. The defense, however, was upheld in its objection to a question as to whether or not there was any weapon in the deceased's clothing.

The court granted a recess of five minutes at 10:30.

Dr. White was called by the defense. He said he heard Dr. Johnson talk of the killing and the latter said Howell saw Davis on the sidewalk and parked near him. The state waived cross examination.

Williams said he is night policeman in Hartselle. He said Johnson told him Howell said "There's that d. Shorty Davis, I'll go and get him."

The state moved to not pro counts one, two and four leaving in count three, charging Davis killed Howell unlawfully by shooting him with a pistol.

The defense objected but the objection was overruled.

The defense stated its desire to demur. The defense then moved to quash the indictment on the grounds it was not the one served on the defendant. The motion was overruled.

The defense demurred to the indictment on several grounds.

The demurrer was overruled and Attorney Sample expressed a desire to file a plea in abatement. The state objected on the grounds the plea was too late.

The court announced it would not permit the plea to be filed.

Argument was limited to one hour and a half for each side and Attorney Callahan opened for the state at 10:55.

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## EVOLUTION ONLY RECORDS CHANGE

### Such An Opinion Is Voiced By Dr. Newman

(Associated Press)

DAYTON, Tenn., July 21.—The evolutionist stands for and believes in a changing world, Dr. Horatio Hackett Newman, zoologist of the University of Chicago, asserted in a statement which the defense counsel of John T. Scopes placed in the record of the Rhea county court today.

The statement of Professor Newman, for many years a student, teacher and writer on the subjects of evolution and heredity, said in part:

"Evolution is merely the philosophy of change as opposed to the philosophy of fixity and unchangeability. One must choose between these alternate philosophies, for there is no intermediate position; once admit a changing world and you admit the essence of evolution. \* \* \*

"We know with certainty some few things about the course of evolution, and we believe that we have discovered some important phases of the mechanism of evolution, but these are controversial matters and in no way affect the question as to the validity of the principle. \* \* \*

"The principle of evolution stands in the first rank among natural laws, not only in its range of applicability, but in the degree of its validity, to such an extent that it may lay claim to rank as an established law. It is the one great law of life. It depends for its validity, not upon conjecture and philosophy, but upon exactly the same sorts of evidence as do other laws of nature.

"Evolution has been tried and tested in every conceivable way for considerably over half a century. Vast numbers of biological facts have been examined in the light of this principle and without a single exception they have been entirely compatible with it. \* \* \*

"A careful study of the situation reveals that the entire fabric of evolutionary evidence is worn about a single broad assumption—that fundamental structural resemblance signifies blood relationship; that, generally speaking, the closeness of structural resemblance runs essentially parallel with closeness of kinship. \* \* \*

## BIRTH

Born to Mr. and Mrs. Carl Loosier a son, Carl Jr., on July 20th weighing 8 pounds.

Born to Mr. and Mrs. T. D. Brooks on July 18 an eight-pound son, T. D. Jr.

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